



WEB COPY

CRL RC No. 2052 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2052 of 2025

and

CRL MP NO. 19282 OF 2025

Subramaniam

S/o.Kurusamypillai, 1/72 Jublee Well
Street, Pollachi.

Petitioner(s)

Vs

Inspector of Police
Pollachi West Police Station,
Coimbatore. Crime No. 119/2022.

Respondent(s)

PRAYER Criminal Revision Case filed under Section 438 r/w 442 of BNSS, 2023, praying to set aside the order of dismissal dated 30.09.2025 made in C.M.P.No.6669 of 2022 in C.C.No.725 of 2022 on the file of the learned Judicial Magistrate No.II, Pollachi, by allowing this Criminal Revision Petition.

For Petitioner(s): Mr.R.Marudhachalamurthy

For Respondent(s): Mr.R.Vinoth Raja,
Government Advocate (Crl.Side)

ORDER

The revision challenges the dismissal of the discharge petition filed by the petitioner, who is facing prosecution for the offence under Section 294(b) IPC.

2. The case of the prosecution is that on 22.03.2022 at about 9.00 hours, the petitioner abused the de facto complainant in a public place in filthy



language, which caused humiliation to the de facto complainant, and thus committed the aforesaid offence.

WEB COPY

3. The petitioner filed a discharge petition before the Trial Court, which came to be dismissed by the impugned order.

4. The learned counsel for the petitioner would submit that even if the allegations are accepted in entirety, no offence under Section 294(b) IPC is made out, since the petitioner has not committed any obscene act nor uttered any obscene words attracting the ingredients of the said provision and that at best, the allegations disclose that defamatory statements were made against the de facto complainant and he prayed for discharge.

5. The learned Government Advocate (Crl.Side) would submit that the petitioner abused the de facto complainant in filthy language in a public place and in public view.

6. Admittedly, the only allegation against the petitioner is that he abused the de facto complainant in filthy language in a public place.



7. It is well settled that in order to attract the offence under Section 294(b) IPC, the accused must have either committed an obscene act or uttered obscene words in or near a public place, causing annoyance to others. Mere abusive language would not attract the said provision. This position has been reiterated by the Hon'ble Supreme Court in ***N.S.Madhanagopal and Another Vs. K.Lalitha*** reported in (2022) 17 SCC 818. The relevant observations are as follows:

“8. It has to be noted that in the instant case, the absence of words which will involve some lascivious elements arousing sexual thoughts or feelings or words cannot attract the offence under Section 294(b). None of the records disclose the alleged words used by the accused. It may not be the requirement of law to reproduce in all cases the entire obscene words if it is lengthy, but in the instant case, there is hardly anything on record. Mere abusive, humiliating or defamative words by itself cannot attract an offence under Section 294(b) IPC.

9. To prove the offence under Section 294 IPC mere utterance of obscene words are not sufficient but there must be a further proof of establish that it was to the annoyance of others, which is lacking in the case. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by the appellants-accused annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out.”



SUNDER MOHAN J.

8. The allegations as disclosed only show that the de facto complainant was humiliated in a public place. In the absence of the essential ingredients of Section 294(b) IPC, continuation of the prosecution would amount to abuse of process of law.

9. Hence, this criminal revision case is allowed and the petitioner is discharged from the charge under Section 294(b) IPC. Consequently, connected miscellaneous petition is closed.

12-02-2026

cda

To

The Judicial Magistrate No.II, Pollachi,

**CRL RC No. 2052 of 2025
AND CRL MP NO. 19282 OF 2025**